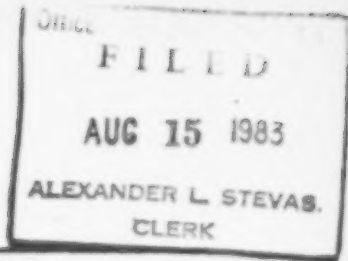


NO. 82-2038



IN THE SUPREME COURT OF THE
UNITED STATES
OCTOBER TERM, 1983

JOHN F. SALSBUURY, AS PARENT, NATURAL
GUARDIAN AND ADMINISTRATOR OF THE
ESTATE OF SCOTT EDWARD SALSBUURY,
Petitioner

v.

ERIE COUNTY, CITY OF ERIE, DISTRICT
ATTORNEY VESHECCO, COUNTY DETECTIVE
TROMBETTA, ERIE POLICE DEPARTMENT,
POLICE OFFICER DAVID FULTON, POLICE
OFFICER THOMAS MacDONALD AND POLICE
OFFICER EDWARD ZAHAR

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE THIRD CIRCUIT

REPLY BRIEF TO ARGUMENTS RAISED BY
RESPONDENT ERIE COUNTY

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Petitioner, Pro Se

STATEMENT OF THE MERITS FOR PETITIONER IN STANDING
AGAINST THE COUNTER STATEMENT OF EACH QUESTION PRE-
SENTED BY RESPONDENT, ERIE COUNTY

I. Whether the Petition for a Writ of Certiorari must be dismissed as untimely.

II. Whether the Civil Rights Act, 42 U.S.C. &1983 does not afford a cause of action to a deceased based on acts occurring after his death.

III. Whether liability of a municipality under the Civil Rights Act, 42 U.S.C. &1983, cannot be established under the theory of respondeat superior.

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STATEMENT OF MERITS FOR PETITIONER

QUESTION PRESENTED BY ERIE COUNTY:

I. Whether the petition related to case No. 82-5586 (District Court No. 82-167) must be dismissed as untimely?

In filing before the Supreme Court of the United States, Petitioner Pro Se, lacking legal experience, suffered great difficulty, but nonetheless has tried to follow and maintain the rules of the Court with integrity and respect that must be shown to this Court.

Petitioner selected the case to appeal based upon how it might best serve the Courts and those who must follow in the future in their efforts to maintain the Civil Rights of this Nation.

On page (ii) the Table of Contents of Petition for Writ of Certiorari, the Appeal and Judgment Order is shown on page A4 and A5. If the Court will please note this number is 82-5386, which corresponds to the District Court number 82-61. On page (iii) the Table of Contents are the petition for rehearing and the stay of mandate of judgment, pages A26 and A27. The Court will note that on both pages A26 and A27 are the numbers 82-5386.

STATEMENT OF MERITS FOR PETITIONER

Also, on page (iii) the Table of Contents, it is noted that Case No. 82-167 and the order of the District Court in Case No. 82-167 are listed as to reference only and Petitioner was directed by the rules of the Court to reference this case.

There can be no doubt in anyones mind upon reading the petition and having the understanding that the Clerk of the Supreme Court cannot and would not docket this case as put forth by Erie County.

Petitioner Pro Se, making a decision which case to Appeal to the Supreme Court, selected Case No. 82-5386 on its merits that would allow the Supreme Court to use its full power to supervise the Lower Courts.

The matters brought before the Supreme Court of the United States should be those which have an impact upon the administration of justice as its serves this entire Nation.

On pages 27, 28, and 29 under Reasons for Granting the Writ as listed in Petitioner's Petition, the Court can read rule 17 (a) and Rule 9(a) as it was presented on Appeal to the Third District.

It is important that the District Court and the Appeals Court in their administration of justice, make an effort to maintain and follow the rules of Civil Procedure.

STATEMENT OF MERITS FOR PETITIONER

Had the Appeals Court properly decided the issues put before it, it should have ruled that Case No. 82-167 Erie was filed unnecessarily by a Plaintiff who had filed Pro Se following what was an incorrect judgment of the District Court in Case No. 82-61.

The Plaintiff Pro Se, having filed 82-167, did not realize that this was an unnecessary exercise until he was preparing for the Appeal. Petitioner, aside from the Questions Presented in Case No. 82-2038 before the Supreme Court, is asking the Court to consider the importance of Rule 17 (a) and 9(a) as it is administrated by the Lower Courts.

The perfidy of Respondent, Erie County, to request of the United States Supreme Court to dismiss as untimely Petitioner's Petition in the manner to which they have put forth is extremely argumentative and totally incorrect.

QUESTION PRESENTED BY ERIE COUNTY:

II. Whether the Civil Rights Act, 42 USC: &1983 does not afford a cause of action to a deceased based on acts occurring after his death.

STATEMENT OF MERITS FOR PETITIONER

Of all the events that occurred, there were criminal and civil rights acts committed in violation of the rights of Scott Edward Salsbury while he was alive by the City of Erie Police with full knowledge of these acts communicated to the District Attorney's Office. There were also acts against the estate of Scott Edward Salsbury and against the proper administration of that estate in violation of State and Federal law. These acts were also against the administrator of the estate of Scott Edward Salsbury, who under state law does have rights after the death of Scott Salsbury under the laws of the State of Pennsylvania.

The attempts to remove these States rights caused great financial harm to that estate and to the administrator and father who was trying to gain rights under law.

It remains for this Court to decide if the money awarded to the estates of our children by the circumstances of their death is property under the definition of our Constitution and Federal laws. Please review the Questions Presented No. 1 through 4 of the Petition for a Writ of Certiorari page (1).

STATEMENT OF MERITS FOR PETITIONER

The statement by Respondent, Erie County, that there can be no violations of the rights of Scott Edward Salsbury after he had died is not in question, and for this reason, the arguments as put forth in the Brief in Opposition are not relevant to their position and standing under Federal law. Their arguments must be denied for they have not directed their arguments towards the true nature of the Civil Rights Act that has been committed.

The Respondent's counter statement of the case is incorrect and the facts stated in the case are incorrect, and since Erie County has been made aware of certain facts that can easily be checked, the continual presenting of misinformation to the District Court, Appeals Court, and finally to the Supreme Court of the United States is considered by Petitioner as an act of perjury before a Court which must make judgments on true facts and must rely upon some integrity of those who are putting information before the Court.

Specifically on page 10 of Brief in Opposition of Respondent, Erie County, paragraph three under the Facts state that the complaint alleges improper handling of a private criminal complaint, and this has been continuously propounded throughout these proceedings.

STATEMENT OF MERITS FOR PETITIONER

Petitioner has continually stated to the Courts, which information is in the hands of the Respondent, that all the acts occurred prior to the filing of any private criminal complaint. Such acts of the Defendants denied Petitioner rights to counsel and for this reason, Petitioner was without counsel for a considerable duration of time after the tampering of witnesses statements and as such no private criminal complaint was initiated until sometime later after a search for counsel, which itself was effected by what occurred February 5, 1981 in the District Attorney's Office. These repeated attempts to make as a "matter of fact" that which is not true stands before the Courts as improper particularly when Respondent is aware of its misleading connotations to the Courts.

QUESTION PRESENTED BY ERIE COUNTY:

III. Whether liability of a municipality under the Civil Rights Act, 42 U.S.C &1983, cannot be established under the theory of Respondeat Superior.

The District Attorney's Office does not function without direction with a tight-fisted hand by the District Attorney himself.

STATEMENT OF MERITS FOR PETITIONER

If Respondent, Erie County is alleging that all of what has occurred has happened without the knowledge of the District Attorney, it must be stated that Case No. 83-15 is now before the Supreme Court and this case in the District Court charges that the District Attorney having knowledge of a conspiracy and having the power to prevent or stop the continuation of this conspiracy failed to do so. The evidence in this regard is overwhelming and will not be denied.

In this Case, Petitioner will bring before the Federal Court other families which will show that similar acts were committed which established favoritism to the families of the members of local government. The District Attorney's Office is aware that I am privileged to such information which includes state police evidence, transcripts of hearings, and the statements of the families involved.

The kind of acts that have occurred institutes the policy by the officers of Erie County and as such the theory of Respondeat Superior cannot be upheld if these families are allowed to testify.

CONCLUSION

WHEREFORE, Petitioner respectfully requests this Honorable Court to deny the Brief in Opposition by Respondent, Erie County, for a dismissal or to deny the Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

Respectfully submitted,

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Petitioner, Pro Se

Dated: August 5, 1983